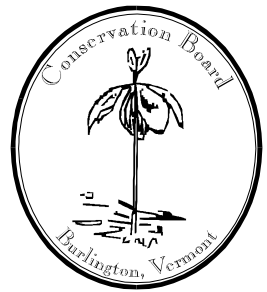


Burlington Conservation Board

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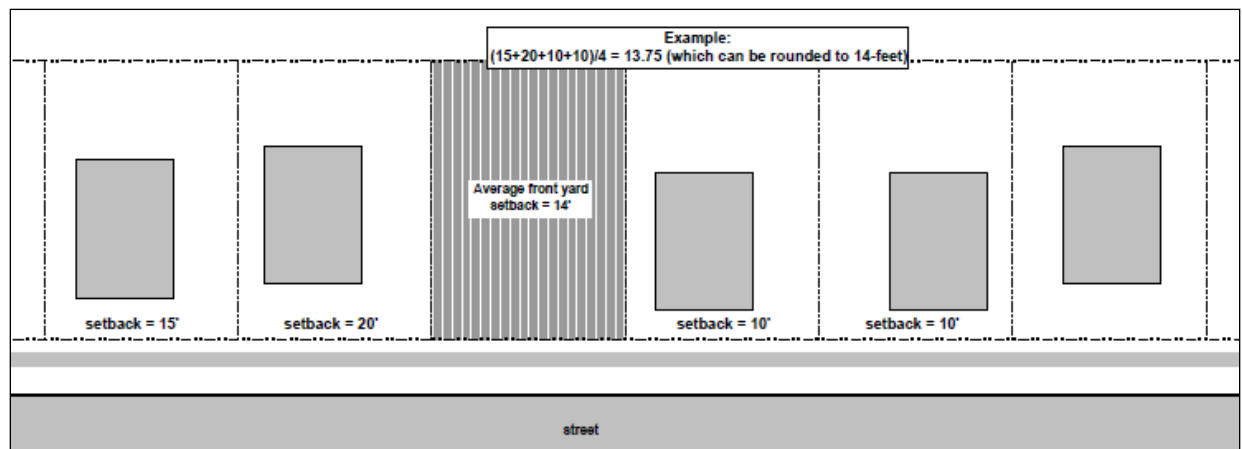
Miles Waite, Chair
Zoe Richards
Matt Moore
Don Meals
Ryan Crehan
Hannah Brislin
Rebecca Roman
Jules Lees
Tori Hellwig



To: Conservation Board
From: Scott Gustin
Re: Setbacks and the Riparian & Littoral Conservation Zone
Date: October 5, 2020

Within the city's residential zones, the required front yard setback is determined by the average of adjacent homes. The front yard setback requirement is unique in that it is both a minimum and a maximum setback (i.e. the average $\pm 5'$) otherwise known as a build-to line. This setback is intended to provide continuity of development along the street. Below is an excerpt from the CDO.

1. Front yard. In order to maintain the existing pattern of development along a given street, both a minimum and maximum front yard setback shall be maintained where required under Article 4.
 - A. The minimum front yard setback for any structure shall be the average of the front yard setback of principal structures in lawful existence as of the adoption of this ordinance on the two (2) neighboring lots on either side and within the same block and having the same street frontage.



Also within the residential zones, a minimum waterfront setback of 75' from the 100' lakeshore elevation applies. While there are some exceptions for existing development, this setback is intended to preserve the integrity of vegetative cover along the lakeshore.

Along the entire lakeshore, except for the downtown water front, the riparian and littoral conservation zone extends inland 250' from the 95.5' lakeshore elevation. Like the 75' setback, this buffer zone is aimed at protecting the natural integrity of the lakeshore. Unlike the 75' setback, it does not prohibit development. Rather, it requires review under the criteria established in Sec. 4.5.4 of the CDO. These criteria address any land disturbing activities, tree

removal, erosion control, and stormwater management. Review by the Conservation Board is generally required.

Note that most lakeshore properties are affected by both the 75' setback and the 250' riparian and littoral conservation zone. As we have seen on occasion, the front yard setback requirement can have the effect of pushing development closer towards the lakeshore within the riparian and littoral conservation zone. The water front setback limits this encroachment. Insofar as less encroachment towards the lakeshore is better, provision should be made to allow for some variation in the front yard setback. Such provision would need to take the form of an amendment to the Comprehensive Development Ordinance. For residential waterfront properties, an alternative front yard setback of 50' could be established. In most instances, that would allow new development and additions to take place further away from the lakeshore than would now be permissible.